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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

ROSENFIELD & COMPANY, PLLC,

Plaintiff,

vs.

TRACHTENBERG, RODES &  
FRIEDBERG LLP, STAR AUTO SALES OF  
BAYSIDE, INC. (d/b/a STAR TOYOTA OF  
BAYSIDE), STAR AUTO SALES OF  
QUEENS, LLC (d/b/a STAR SUBARU),  
STAR HYUNDAI LLC (d/b/a STAR  
HYUNDAI), STAR NISSAN, INC. (d/b/a STAR  
NISSAN), METRO CHRYSLER PLYMOUTH  
INC. (d/b/a STAR CHRYSLER JEEP DODGE),  
STAR AUTO SALES OF QUEENS COUNTY  
LLC (d/b/a STAR FIAT), and STAR AUTO  
SALES OF QUEENS VILLAGE LLC (d/b/a  
STAR MITSUBISHI),

Defendants.

STAR AUTO SALES OF  
BAYSIDE, INC. (d/b/a STAR TOYOTA OF  
BAYSIDE), STAR AUTO SALES OF  
QUEENS, LLC (d/b/a STAR SUBARU),  
STAR HYUNDAI LLC (d/b/a STAR  
HYUNDAI), STAR NISSAN, INC. (d/b/a STAR  
NISSAN), METRO CHRYSLER PLYMOUTH  
INC. (d/b/a STAR CHRYSLER JEEP DODGE),  
STAR AUTO SALES OF QUEENS COUNTY  
LLC (d/b/a STAR FIAT), and STAR AUTO  
SALES OF QUEENS VILLAGE LLC (d/b/a  
STAR MITSUBISHI),

Third-Party Plaintiffs,

vs.

BARRY J. FRIEDBERG and  
LEONARD A. RODES,

Third-Party Defendants.

CASE NO. 1:21-cv-03858 (VM)

**CIVIL CASE MANAGEMENT  
PLAN AND SCHEDULING  
ORDER**

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case **(is)** ~~(is not)~~ to be tried to a jury: [circle one]
2. Joinder of additional parties to be accomplished by **January 17, 2022**
3. Amended pleadings may be filed without leave of the Court until **February 7, 2022.**
4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than **December 15, 2021.**
5. All fact discovery is to be completed either:
  - a. ~~Within one hundred twenty (120) days of the date of this Order, specifically by not later than;~~ or
  - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than **December 1, 2022.**
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
  - a. Initial requests for production of documents to be served by **February 7, 2022.**
  - b. Interrogatories to be served by all party by **February 7, 2022.**
  - c. Depositions to be completed by **December 1, 2022.**
    - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
    - ii. Depositions of all parties shall proceed during the same time.
    - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.

- d. Any additional contemplated discovery activities and the anticipated completion date: **Confidentiality agreement and ESI protocol agreement to be completed by the parties no later than December 20, 2021.**
  - e. Requests to Admit to be served no later than **February 7, 2022.**
7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:
- a. Plaintiff: **January 9, 2023.**
  - b. Defendant: **February 23, 2023.**
8. Contemplated motions:
- a. Plaintiff: **Motion for Summary Judgment.**
  - b. Defendants:
    - Defendant Trachtenberg Rodes & Friedberg LLP: **FRCP 56 Motion for Summary Judgment, seeking dismissal of the Complaint, and FRCP 12(b)(6) Motion to Dismiss the Cross-Claims.**
    - Third-Party Defendants Barry J. Friedberg, Esq. and Leonard A. Rodes, Esq.: **FRCP 12(b)(6) Motion to dismiss the Third-Party Complaint.**
    - Star Defendants: **Motion for Summary Judgment.**
9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than **March 27, 2023.**
10. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?  
                                     Yes \_\_\_\_\_ No: **X**

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**TO BE COMPLETED BY THE COURT:**


11. The next Case Management Conference is scheduled for December 16, 2022 at 11:00am.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

**SO ORDERED:**

DATED:        New York, New York  
                 December 9, 2021

  
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Victor Marrero  
U.S.D.J.